IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17569 of 1998

Between:

B. Prasada Reddy s/o Rama Murthy
R/o Guntupalli, Via Batilguda P.C. Palli Mandal, Prakasam District.

..... PETITIONER

AND

1 Chief Engineer, A.P.S.E.B.,
Vidyuth Bhavan, Nellore
2 The Superintending Engineer, A.P.S.E.B., Operation Circle
Ongole, Prakasam District.
3 The Divisional Engineer, A.P.S.E.B., Operations
Kanigiri, Prakasam District.
4 Group Executive Officer Guntupalli Gram Panchayat
Pedacherlopalli Mandal, Prakasam District.
5 Sarpanch, Guntupalli Gram Panchayat,
Pedacherlopalli Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents in not absorbing the services of the petitioner into the Board by proceedings No. D.No.4057/98 dated 22.4.1998 as illegal, arbitrary and unjust; and consequently direct the respondents to absorb the services of the petitioner in the respondent-Board.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: (SC FOR A.P.S.E.B.)

The Court made the following :

ORDER:

Heard Sri G. Vidyasagar, learned counsel appearing for the petitioner and also the learned standing counsel appearing for the respondents.

Petitioner herein, who claims to be working as Village Electricity Worker, having been appointed by the local Gram Panchayat, files this Writ Petition, inter alia, seeking Mandamus declaring the impugned orders dated 22.4.1998, as illegal.

The case of the petitioner is that having passed the SSC examination, the petitioner's services were taken, in terms of B.P.Ms.No. 938 dated 20.12.1982 and after undergoing three months training from 21.12.1988 to 21.3.1989, he was appointed in the said capacity from 22.3.1989. Therefore, having regard to the scheme introduced by the respondent in B.P.Ms.No. 36 dated 18.5.1997 for filling up of 50% of the existing vacancies, the petitioner made several representations, but the same have not been considered. In fact, he approached this court earlier against the orders of rejection and the matter was remitted for fresh consideration. In spite of the same, he was not been taken into service. The impugned orders of rejection which were based on the fact that he was not in service in the year 1997, is not correct. Hence, the Writ Petition.

The learned Standing Counsel appearing for the respondent filed a counter affidavit denying the claim of the petitioner, especially, the factum that the petitioner is not in service at the relevant date, as per the aforesaid B.P.Ms.No.36 dated 18.5.1997.

Having considered the submissions and also on perusal of the material on record, the question that arises for consideration is as to whether the petitioner is entitled to the benefit under B.P.Ms.No. 36 dated 18.5.1997.

There is no serious dispute in regard to the petitioner's earlier appointment by the local Gram Panchayat and discharging his duties as Village Electricity Worker after undergoing necessary regular training. However, admittedly, on his own representation, the petitioner stated that he has not been paid any salary from the year 1991 and the case of the respondent is that the petitioner is not in service after 1994. Though the petitioner produced service certificate issued by the Sarpanch of the Gram Panchayat dated 1.4.1998, but the same is a vague one and it does not indicate the period of service and the salary particulars, therefore, the same cannot be straight away be accepted, especially, in the absence of denial to the effect that the petitioner is working. Even the representation filed by the petitioner shows that he has not been paid salary from the year 1991 and the impugned order also based on the said fact that the petitioner was not in service from 1991. Hence, the petitioner is not qualified as per B.P.Ms.No. 36 dated 18.5.1997.

Having regard to the fact that the petitioner is totally failed to establish the fact that he was working at the relevant period, he cannot seek any relief as per B.P.Ms.No. 36 dated 18.5.1997. Therefore, I do not find any merit in the Writ petition and accordingly, the Writ Petition is dismissed. No costs.

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B. PRAKASH RAO,J

DATED: 09.02.2005.

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To

1 Chief Engineer, A.P.S.E.B.,
Vidyuth Bhavan, Nellore
2 The Superintending Engineer, A.P.S.E.B., Operation Circle
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